

**MINUTES
OF THE JOINT MEETING OF THE
EDINA HOUSING AND REDEVELOPMENT AUTHORITY
AND THE EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 16, 2005
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Masica, Swenson and Chair/Mayor Hovland.

CONSENT AGENDA APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda with the exception of Agenda Item VI.F. Traffic Safety Staff Report of August 2, 2005. Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF AUGUST 2, 2005, AND SPECIAL MEETINGS OF JULY 5, 2005, JULY 19, 2005, AND AUGUST 2, 2005 APPROVED** Motion made by Member Masica and seconded by Member Housh approving the Minutes of the regular meeting for August 2, 2005 and Special Meetings of July 5, 2005, July 19, 2005, and August 2, 2005.

Motion carried on rollcall vote – four ayes.

HRA RESOLUTION NO. 2005-2 SALE APPROVED FOR PUBLIC PROJECT REVENUE BONDS – SERIES 2005 Manager Hughes introduced Mr. Ruff from Ehlers and Associates that presented results of the sale of the Public Project Revenue Bonds. Mr. Ruff said the Bonds will be issued by the HRA for two gymnasiums that will be constructed on the school facility site. The total amount of the bond issue was \$5,425,000 of Public Project Revenue Bonds. Mr. Ruff indicated that five bids were received with the lowest bidder, Piper Jaffray & Co., at a 4.0579 % interest rate on the twenty year bonds. He explained these revenue bonds have a slightly lower bond rating than general obligation bonds but still have an excellent rating of Aa. The range of bids on the twenty year bonds was from 4 % to 4 ½%. Mr. Ruff said fees were less than anticipated as well as the true interest rate lower with over the life of the issue would be about \$265,000. Mr. Ruff recommended sale of the bonds to Piper Jaffray & Company providing for the issuance and sale of \$5,425,000 of Public Project Revenue Bonds, Series 2005. He added the closing on the Bonds would be September 13, 2005.

Member Housh made a motion approving HRA Resolution No. 2005-2, authorizing Revenue Bonds, Series 2005 City Of Edina annual appropriation lease obligations.

Member Swenson seconded the motion.

Rollcall: Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-71 APPROVING THE BOND SALE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT PROVIDING for THE CONSTRUCTION OF GYMNASIUMS AND THE LEASE THEREOF BY THE CITY, AND APPROVING THE FORM OF A RESOLUTION AND AN OFFICIAL STATEMENT Mr. Ruff recommended adoption of the resolution authorizing construction of the gymnasiums at the Community Center as well as the lease by the City for the gymnasiums.

Member Masica made a motion adopting Resolution No. 2005-71 Authorizing the Execution of a Lease Agreement Providing for the Construction of Gymnasiums and the Lease Thereof by the City, and Approving the Form of a Resolution and an Official Statement. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-70 APPROVING THE BOND SALE FOR GENERAL OBLIGATION PERMANENT IMPROVEMENT REVOLVING FUND BONDS - SERIES 2005E

Mr. Ruff, Ehlers & Associates indicated that the General Obligation Permanent Improvement Revolving Fund Bonds, Series 2005E, were sold to Piper Jaffray & Company at a true interest cost of \$1,460,000. Five bids were received on the ten year bonds at a true interest cost of 3.5851%. Mr. Ruff added when bids were taken, bids were calculated on the basis of interest rates and ease. The bond buyers note the "reoffering yield" and noted little difference between the AAA General Obligation Bonds and the Revenue Bonds. This demonstrates the bond buying public has a high regard for the City of Edina.

Mr. Ruff recommended approval of the Bond Sale for the General Obligation Permanent Improvement Revolving Fund Bonds - Series 2005 E to Piper Jaffray & Associates at \$1,460,000.

Member/Swenson made a motion adopting Resolution No. 2005-70 Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$1,460,000 General Obligation Permanent Improvement Revolving Fund Bonds, Series 2005E.

Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

EDINBOROUGH PARK AWARDED MINNESOTA RECREATION AND PARK ASSOCIATION AWARD OF EXCELLENCE FOR PASSPORT TO PLAY

Adaptive Recreation Supervisor from the City of Eden Prairie, Nicole White, presented the Award of Excellence from the Minnesota Recreation and Park Association (MRPA) to the City of Edina, Edinborough Park, for participation in a new marketing program, "Passport to Play". She explained "Passport to Play" was a creative marketing collaborative between the cities of Edina, New Brighton, Eagan and Woodbury and was designed to encourage visits to the four facilities.

EDINA FIRE DEPARTMENT PERSONNEL RECOGNIZED FOR CONFINED SPACE RESCUE

Chief Scheerer presented five Edina Fire Fighters with a commendation for a 35 foot confined space rescue in Eden Prairie of a volunteer firefighter from Brooklyn Park. The five Fire Fighters were Darrell Todd, Jeff Garfin, Pat Sanden, Dominic Hadzima and Pete Fisher.

VACATION OF PUBLIC UTILITY EASEMENT APPROVED - 5532 VERNON AVENUE

Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Houle indicated the owner of the property at 5532 Vernon Avenue requested a partial vacation of an existing utility easement. The subject property was located in the northwest part of Edina. Mr. Houle explained the owner wished to reconstruct the existing garage. The location of the home, in relation to the westerly property line would not provide enough space for a two-car garage without encroaching into the existing five-foot easement. Mr. Houle explained Edina utilities, Centerpoint Energy, Xcel Energy, Qwest and Time Warner Cable have examined and did

not object to the vacation. He indicated the three foot easement maintained by the City would allow the utilities the ability to do a directional drill within the remaining footage, if required. He concluded staff recommended approval of the vacation of a portion of the utility easement to accommodate the new garage.

Member Housh questioned whether the portion of the utility easement the City was maintaining was City driven. Mr. Houle said yes.

Member Swenson asked if with the three foot setback of the garage could be placed on the lot line, if the garage was not attached to the house. Mr. Houle said that was correct.

Michael Damon, 5532 Vernon Avenue, said he was looking forward to a double garage on his property.

No public comments were received.

Member Housh made a motion closing the public hearing, seconded by Member Masica.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica introduced the following resolution and moved its adoption:

RESOLUTION NO. 2005-72

VACATING OF EXISTING UTILITY EASEMENT

5532 VERNON AVENUE

WHEREAS, a motion of the City Council, on the July 19, 2005, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on August 16, 2005, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any persons, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public utility easements are hereby vacated effective as of August 16, 2005:

PROPOSED LEGAL DESCRIPTION OF PUBLIC UTILITY EASEMENT TO BE VACATED:

That part of the Westerly five foot utility easement on Lot 8, Block 1, Danijohn's Addition, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

The East 2 feet of the South 30 feet of the North 33 feet of said Utility Easement.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 16th day of August, 2005.

Member Housh seconded the motion.

Rollcall: Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-73 APPROVED, GRANTING PRELIMINARY REZONING, PRELIMINARY PLAT, AMENDMENT TO COMPREHENSIVE PLAN FOR RIVERVIEW COMMERCIAL PROPERTIES - 50TH STREET AND INDIANOLA AVENUE Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner:

Planner Larsen informed the Council the subject properties were located on the southeast corner of the intersection of Indianola Avenue and West 50th Street. He stated the proponent planned to remove the existing 9-unit apartment building and 9-stall parking garage located at 4121 West 50th Street, realign property lines (4121 West 50th Street and 5017 Indianola) between the parcels, and construct a new 6-unit condominium building.

Mr. Larsen noted that several variances would be necessary; 1) replacing a building that was non-conforming in regard to density, building setback, parking and lot coverage, and 2) maintaining the single dwelling lot to the south preserves the relationship between multi-family and single family land uses. He said staff recommended the following actions: 1) Amend Comprehensive Plan by adding the north 28 feet of 5017 Indianola Avenue to High-Density Residential, 2) grant, the preliminary rezoning for the same parcel and redevelopment plan, 3) approval the Preliminary Plat, 4) grant the lot width and lot area variance for the single dwelling lot, and 5) consider vacation of alley right-of-way. Mr. Larsen said all approvals would be preliminary and be conditioned upon a Final Rezoning approval and a Final Plat Approval at a future date.

In addition, Mr. Larsen noted the project would need three setback variances, from 50th Street and on both side yards. He explained the Planning Commission had studied similar circumstances in the area and recommended Amending the Comprehensive Plan, Preliminary Rezoning, Preliminary Plat approval, Lot width and necessary setback variances, all subject to Final approvals for rezoning of the plat.

Presentation by Proponent:

Chris Cowen, Riverview Commercial Properties, developer, introduced Dean Dovolis, DJR Architects, Barry Berg and John Wanninger, Edina Realty, who will market the proposed project, and Don Engebretson and Scott Ellingboe the landscape architects of the project.

Chris Cowen, 5015 13th Avenue South, Minneapolis, indicated the purpose of the proposal was to create a unique living opportunity in the 50th & France vicinity. The building will house modest sized housing units with six large one level units. The concept was for long-time Edina residents seeking a one-level living opportunity of this size and scale.

Dean Dovolis, 5009 Ridge Road, presented floor plans of the proposed units and an artist depiction of the scale of the building in conjunction with the neighboring buildings. A neighbor requested a single family home be constructed where the existing home was as a transition to the proposed

condominium building. Mr. Dovolis showed a rendering of a four bedroom, single family home with a three car garage that was planned for the site, noting the home would not require a variance. Mr. Dovolis added that the condominium site would have a reflecting pool and fountain in addition to landscaping. He said the building would be constructed of a stone base, cedar shakes, and a slate roof with copper roof and details along the lines and consisted of two units per floor facing east and west. Mr. Dovolis stated there would be covered parking for residents with three guest parking spaces outdoors. He added the single family home will be constructed of like materials with the same signature character.

Scott Ellingboe, 600, 2nd Street, Minneapolis, and Don Engebretson, 20560 Carson Road, Deephaven, Landscape Designer and Consultant, introduced themselves.

Mr. Engebretson said they have an achievable goal for the project that exceeded the typical townhome/condominium style development. He indicated the proposed fountain was large, with ample use of stonework inlays on the grounds as well as container plantings and a waterfall. Mr. Engebretson elaborated that his intention was to create a wonderful botanical garden that enhanced the building. He stated his intention was to use year round plantings to maintain interest on the site.

Mayor Hovland inquired how drainage issues would be handled on the site. Mr. Dovolis said they have worked with the owners of the Henley building and with the installation of grading and a swale; drainage should flow out of the site.

Council Comments:

Member Masica inquired whether she should recuse herself from the proceedings because Mr. Dovolis has done design work for her in the past. Attorney Lindgren said he did not believe that was necessary. Member Masica asked how many lots on Indianola were non-conforming and less than the required 75 feet. Mr. Larson said there were two lots immediately west of the subject property and across the street; one lot was a 50 foot lot and one was a 40 foot lot. Member Masica commented the landscape depictions were stunning. She asked if this plan would actually be implemented. Mr. Dovolis said their intent was to follow the landscape plan as nearly as possible.

Member Housh asked if he understood that the number of units had been decreased and the square footage of each unit had been increased. Mr. Dovolis said there would be six units in the condominium building and one single family dwelling. Member Housh said typically the Planning Commission would not recommend a proposed plan with this number of variances, but the existing facility was non-conforming. Mr. Larsen agreed the new building would be improving the site as far as density and parking. Member Housh asked about the proposed building height. Mr. Dovolis said the proposed building was similar to the Henley, and shorter than the church.

Member Swenson noted she did not see a sidewalk depicted on the plan. Mr. Dovolis indicated yes a sidewalk would be installed. Member Swenson voiced concern with Indianola being a narrow street and whether adequate outside parking was adequate. She suggested consideration of a shared driveway with the single family dwelling. Mr. Dovolis reiterated their desire to have more green transition to the building rather than additional parking. Member Swenson voiced concern that four spaces would not be enough during peak times because of the day care and would create a safety issue. Mr. Larsen said a proof of parking clause could force the owner to put in extra parking stalls. Member Swenson asked assurance that the sidewalk was a sure thing. Mr. Dovolis said he would like the parking to continue to 50th Street. Member Swenson asked what the

Minutes/Edina City Council/August 16, 2005

monthly rent was for the building presently. Chris Cowen, owner of the existing building, said rents were approximately \$900 monthly.

Mayor Hovland asked how many trees would be removed. Mr. Engebretson said three diseased elm trees would be removed and one that presently was surrounded by asphalt would be removed. He added that they plan to move and relocate some trees within the lot. Mayor Hovland inquired what the hardship was for the developer that warrants the issuance of the variances. Mr. Larsen said the Planning Commission looked at the property right that has been shared by other properties in similar situations in the area and he believed it was the City's Ordinance that created the hardship as opposed to the neighborhood or new development. Member Swenson stated that Planning Commission Member McClellan made a great statement, "...we haven't really changed how we looked at properties like this that were in redevelopment areas and there were restraints on redevelopment that maybe we don't want any more."

Mayor Hovland said the site was clearly more urban than suburban. He questioned whether the Planning Commission should take a look at an urban redevelopment plan in light of the developments being considered around 50th & France. Mr. Larsen said multi-family zoning districts could be created that vary from one area to another. Mayor Hovland asked if the proposed building was taller than the Henley. Mr. Dovolis said the Henley has more of a continuous ridge line where the proposed building has animated lines with more gables and peaks. Mayor Hovland asked if parking on the site meets the Ordinance requirements. Mr. Larsen said yes.

Member Masica said upon examination of the packet information, the developer was asking for; 1) Amendment to the Comprehensive Plan, 2) Replat and vacation of an alley, 3) 6 ½ % coverage variance, 4) Setback variance for the building in aggregate of 30 feet, 5) 17 feet in aggregate for parking setback variances and 6) requesting a 1/3 lot width reduction for the single family lot. She noted no mention in the Planning Commission of hardship. In City Code 810.05, Subd., 1, E. and F., Regulating Variances, provides for....'a granting of variances if it will result in approved plat and will not alter the essential character of the land'. She stated the proposed project does meet those requirements.

Ginny Anderson, Anderson Architects, 5029 Indianola, indicated she has met with the architect as well as several neighbors regarding the project. She added the architect has the neighborhood's best interests in mind. She asked what control the City has with no review board over the materials that were approved and the materials installed. Mayor Hovland said at final review, design standards must be met. Ms. Anderson noted that parking on Indianola was still a concern but the fountain on the site was more beneficial than two parking spaces.

Mayor Hovland inquired whether construction of the single family home with no variances could be made a condition of approval of the proposal. Mr. Larsen said yes.

Mark John, 5007 Arden Avenue, noted his home abutted Edina Covenant Church. He initially voiced concern with how close the proposed building would be to Indianola or 50th Street. He complimented the proponent and gave full endorsement to the plan. He asked how long the project will take. Mr. Dovolis said construction will take approximately a year.

Bob Larson, 5037 Indianola, suggested, 1) concern with run-off on the single family site because of low area, 2) Indianola has no sidewalks and they would not fit the neighborhood, and 3) the

planned off-street parking should be kept along Indianola, and 4) green space fits the neighborhood.

Steve Barsch, 5021 Indianola, stated that Mr. Cowen has been very professional in his dealings with the residents. He voiced full support of the plan.

Member Housh closed the public hearing, seconded by Member Swenson.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

Member Housh said he concurred with comments from the residents and supports the proposal.

Member Masica congratulated the pro-active design team. She said the proposed green space outweighs the need for more than four parking spaces. She suggested the sidewalk be continued to family property on the south end of the site.

Mayor Hovland commended the proponent with the plan but, he would, condition approval on no variances be sought on the single family lot. He concurs with the amount of green space and that all parking requirements were met and said sidewalks would keep the traffic and pedestrians separate.

Member Swenson indicated the Council would like the plan maintained as portrayed at this meeting, and commented they do not like surprises.

Member Swenson introduced the Resolution No. 2005-73, and moved its approval of a 6-unit condominium building at 4121 50th Street West and 5017 Indianola Avenue, conditioned upon, 1) Amending the Comprehensive Plan by adding the north 28 feet of 5017 Indianola Avenue to High Density Residential, 2) Final Rezoning for above parcel and redevelopment plan, 3) Final Plat Approval, 4) Lot width and lot area variance for single dwelling lot, 5) vacation of alley right-of-way, 6) no variance on the new single family building site, and 7) sidewalk extending through the site:

**RESOLUTION NO. 2005-73
PRELIMINARY REZONING,
PRELIMINARY PLAT AND
AMENDMENT TO COMPREHENSIVE PLAN
FOR RIVERVIEW COMMERCIAL PROPERTIES
50TH STREET AND INDIANOLA AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, RIVERVIEW FIRST ADDITION, platted by RIVERVIEW COMMERCIAL PROPERTIES, LLC", and presented at the regular meeting of the City Council on August 16, 2005, be and is hereby granted preliminary plat approval with seven conditions: 1) Amend Comprehensive Plan by adding the north 28 feet of 5017 Indianola Avenue to High Density Residential, 2) Final Rezoning for above parcel, and redevelopment plan, 3) Final Plat Approval, 4) Lot width and lot area variance for single dwelling lot, 5) Vacation of alley right-of-way, 6) no variance on the new single family building site, and 7) sidewalk extending through the site.

Passed and adopted this 16th day of August, 2005.

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion to grant first reading to Ordinance No. 850-A-26 conditioned upon, 1) Amending the Comprehensive Plan by adding the north 28 feet of 5017 Indianola Avenue to High Density Residential, 2) Final Rezoning for above parcel and redevelopment plan, 3) Final Plat Approval, 4) Lot width and lot area variance for single dwelling lot, 5) vacation of alley right-of-way, 6) no variance on the new single family building site, and 7) sidewalk extending through the site:

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET OF SEPTEMBER 6, 2005 - APPEAL OF DECISION OF ZONING BOARD OF APPEALS FOR ACCREDITED INVESTORS, INC - 5200 WEST 73RD STREET**

Motion made by Member Masica and seconded by Member Housh setting September 6, 2005, as hearing date for appeal of decision of Zoning Board of Appeals for Accredited Investors, Inc., 5200 West 73rd Street.

Motion carried on rollcall vote - four ayes.

AMENDMENT TO ORDINANCE NO. 2005-8 OF CITY CODE APPROVED - ADDING NEW SECTION 1221 - EDINA ART CENTER BOARD

Mr. Hughes reminded the Council at the July 19, 2005, meeting, the Council received a report, testimony and recommendations regarding formalizing the Edina Art Center Board and the Edina Public Art Committee.

Following a brief Council discussion, Member Housh moved adoption of Ordinance No. 2005-8 an Ordinance Amending the City Code by Adding a New Section 1221, Art Center Board, with waiver of second reading:

**ORDINANCE NO. 2005-8
AN ORDINANCE AMENDING THE CITY CODE
BY ADDING A NEW SECTION 1221
ART CENTER BOARD**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. The City Code is hereby amended by adding a new Section 1221 as follows:

"Section 1221 -Art Center Board

1221.01 Establishment. The Council, finding that the encouragement and enhancement of the arts in Edina is vital to the social and cultural well being of the City and its residents, does hereby establish the Art Center Board (the "Board").

1221.02 Duties. The Board shall:

- A. Make recommendations regarding the operation of the Edina Art Center.**
- B. Plan and recommend to the Council art activities and programs.**
- C. Develop a long term plan directed towards fulfilling the needs and desires of Edina residents with respect to the arts.**
- D. Recommend programs at the Edina Art Center that are responsive to community desires.**
- E. Periodically report to the Council on matters pertaining to the Art Center and public art in Edina.**
- F. Initiate and oversee fundraising activities that benefit the Art Center and public art in Edina.**
- G. Represent the City at community functions pertaining to the visual arts and with similar bodies and organizations involved with the visual arts.**

H. Oversee the development and implementation of a public visual arts program in Edina.

I. Perform other duties from time to time directed by the Council.

1221.03 Membership. The Board shall consist of eleven members appointed by the Mayor with the consent of the majority of the Council. One member of the Board may be a high school student. All members of the Board shall be residents of the City except that not more than three members may be non-residents. Members shall be appointed for a term of three years except the student member shall be appointed for a one year term. Members shall serve until a successor has been appointed. Upon termination of a member's term, that member's successor shall be appointed for the remainder of such term. Members of the Board shall serve without compensation and may resign voluntarily or be removed by a majority vote of the Council pursuant to Section 180 of this Code. Board members who discontinue legal residency in the City may be removed from office by the Mayor with the consent of a majority of the Council.

1221.04 Meetings. All meetings of the Board shall be open to the public, be governed by Robert's Rules of Order, and otherwise be held pursuant to its bylaws. The Board shall hold its regular meetings on such fixed date and in such fixed place as it from time to time shall determine. The minutes of all meetings shall be recorded and a copy thereof transmitted to each member of the Council.

1221.05 Organization. The Board shall:

- A. Elect from its members a chair and vice chair.
- B. Adopt such bylaws as shall be necessary or desirable for conduct of its business.
- C. Appoint a secretary from its membership or request that a staff secretary be furnished by the City. Additional staff may be assigned to the Board by the Manager.

1221.06 Committees. The Board shall establish and appoint members to a Public Art Committee which shall be charged with establishing and implementing a public arts program in the City. The Public Art Committee shall be chaired by a member of the Board who shall be appointed by the Board chair with the consent of the Board. The Board may establish other committees for the purpose of carrying out other Board duties.

Section 2. This ordinance shall be in full force and effect upon passage and publication.

First Reading: August 16, 2005

Second Reading: Waived

Published: August 25, 2005

Attest:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID APPROVED FOR SCHAEFER CIRCLE ROADWAY AND UTILITY IMPROVMENTS - CONTRACT NO. ENG. 05-12

Mr. Hughes explained bids were received for Schaefer Circle roadway and utility improvements at \$178,948.00. A petition was received from residents on Schaefer with one hundred percent participation that encouraged the City to include

Minutes/Edina City Council/August 16, 2005

the cost of curb and gutter within the bid. If the Council elected not to adopt the Special Assessment Policy, the curb and gutter could be deducted from the contract.

Member Masica made a motion approving Contract No. ENG 05-12, Schaefer Circle Roadway and Utility Improvements, Improvement Nos. A-217, SS-419, STS-303, and WM-443, to recommended low bidder, Penn Contracting, Inc., at \$178,948.00.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR WEST 58TH STREET ROADWAY AND UTILITY IMPROVEMENTS BA-328, SS-424, STS-304, WM-444, L-45, CONTRACT NO. ENG. 05-8** Motion made by Member Masica and seconded by Member Housh for award of bid for street roadway and utility improvements, BA-328, SS-424, STS-304, WM-444 and L-45 for West 58th Street from Concord Avenue to Wooddale Avenue to recommended low bidder, Midwest Asphalt Corporation, at \$424,014.18.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR ROOF REPLACEMENT FOR TREATMENT PLANT #1** Motion made by Member Masica and seconded by Member Housh for award of bid for asphalt roof replacement for water treatment plant No. 1, 4521 West 50th Street, Improvement Nos. WM-452, Contract No. PW 05-4, to recommended low bidder Hunerberg Construction Company at \$27,000.00.

Motion carried on rollcall vote – four ayes.

NEW WINE AND ON-SALE 3.2 BEER LICENSES APPROVED - NOODLES & COMPANY Mr. Hughes indicated the Noodle Shop Company Minnesota, Inc., made application for new wine and 3.2 beer liquor licenses to operate a new restaurant, Noodles & Company at 6531 York Avenue. Necessary paperwork has been filed and applicable fees paid for the license. The Planning, Health and Police Departments have completed their investigation with no negative findings. He said staff recommended issuance of the wine and 3.2 beer on-sale liquor licenses.

Mary Beth Pfeiffer, Marketing Director, 6531 York Avenue South, said the Edina Noodles was the sixteenth store in Minnesota. Ms. Pfeiffer said they specialize in all types of pastas and salads.

Member Masica made a motion approving the new wine and on-sale 3.2 beer licenses for Noodles & Company at 6531 York Avenue. Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

HOCKEY RINK AT TODD PARK APPROVED Mayor Hovland gave time parameters to presenters on both the pro/con side of the Todd Park Hockey Rink issue. Member Swenson asked residents to hold their applause and verbal comments from the audience in order to move the discussion along.

Director Keprios gave background on the proposed construction of the Todd Park Hockey Rink. At the March 8, 2005, Park Board meeting, it was recommended that Todd Park replace Countryside Park as the eleventh hockey rink in Edina. Countryside was built in the wrong orientation and has substandard soils. The Hockey Association attended the April 12, 2005, Park Board meeting stating their wish that eleven hockey rinks be maintained. They asked that a feasibility study be done on Lewis Park which would have artificial refrigeration and maintained with a Zamboni. The Park Board supported that idea and the Hockey Association would pay for the study. Mr. Keprios said

the request for proposal was sent to seventeen different architects. On May 10, 2005, 294 households were noticed in the Todd Park neighborhood inviting them to attend the May 10, 2005, Park Board meeting. Testimony was taken from the neighborhood at that meeting and the Park Board delayed its decision. At the June 14th Park Board meeting, the topic was again discussed and the Park Board recommended building a hockey rink at Todd Park. On July 13, 2005, Steve Haugland and Mike Wagner from the Hockey Association stated again they did not want to lose the eleventh hockey rink and would prefer Lewis Park. Mr. Keprios suggested the Park Board hold a special meeting. Chairman Klus called a special meeting on July 26, 2005. No notices were sent. The Hockey Association again stated their necessity of an eleventh rink. The Park Board recommended Todd Park. Mr. Keprios gave a brief history of Todd Park saying the hockey rink was removed from the park in 1983, mainly because of budget constraints. A new park shelter building was constructed in 1996, at Todd Park.

Mr. Keprios said there were eleven parks of two acres or less as well as ten neighborhood parks that were between 2 and 25 acres. Todd Park, at over 33 acres, would be classified as a community play field. The City has four large community parks of over 100 acres.

Mr. Keprios added that staff wanted the parks to be used by adults and kids and was here to serve the residents. They do support outdoor rinks wherever the community and the Council wanted them constructed. He voiced concern with staff to maintain quality ice beyond the eleventh hockey rink. He reiterated the Park Board's recommendation that an outdoor hockey rink be built at Todd Park in place of the worn hockey rink that was removed at Countryside Park and to maintain the shinny rink at Countryside Park.

Member Swenson asked which park has off/on street parking; Mr. Keprios said Arden Park was the only park with on street parking. All rinks were used by the hockey association as depicted on the schedule as presented.

Mayor Hovland inquired if a parking lot was planned at Todd Park. Mr. Keprios said no off-street parking was planned. Mayor Hovland asked the level of use of shinny rink at Todd Park. Mr. Keprios said use was minimal because of poor quality ice. Mayor Hovland has usage been determined where recreational ice has been converted to a permanent hockey rink. Mr. Keprios said Strachauer Park has been through that scenario showing an increase in use and added Centennial Lakes Park was the greatest recreational park around. Mayor Hovland asked what the cost was to install a permanent rink and maintain it for a year. Mr. Keprios said approximately \$40,000. Vince Cockriel, Park Superintendent, responded that installation would be \$25,000 (labor and materials) and approximately \$15,000 for lights/poles/wiring.

Member Swenson asked what the cost was of the Todd Park warming hut. Mr. Keprios said approximately \$200,000. He added similar warming huts were located at Weber, Cornelia and Walnut Ridge, and all hockey rinks have warming huts. Member Swenson asked if boards could be removed in the spring and re-installed in the fall. Mr. Cockriel said yes the boards could be removed, stored and re-installed.

Mike Wagner, President of the Hockey Association, 4506 Wooddale Avenue, gave background of the process as previously stated by Mr. Keprios. He noted that there were seventeen members on the Hockey Association and represent the 1300 members who will play hockey during the 2005-2006 season. Hockey has seen a 14% growth rate and believes it will continue. The growth was attributed to the City providing excellent outdoor and indoor hockey facilities. The Park Board has been receptive to the Association's needs and realizes that eleven rinks were essential. Following a

Minutes/Edina City Council/August 16, 2005

dialog with the Council clarifying how the Hockey Association came to the opinion that Todd Park was the best option to maintain eleven rinks, Mr. Wagner said the Hockey Association supports the Todd Park location completely at this time.

George Klus, Park Board Chair, 5233 Lochloy Drive, said the Park Board has diligently worked to resolve the issue of maintaining eleven sheets of ice in Edina. The Park Board believes this was a community park, has room for a sheet of ice and has a wonderful shelter building. The Park Board feels it was the best park with the best impact on the existing community and the hockey community. Mr. Klus said at some point artificial ice will need to be discussed and the permanent rinks could be used for this ice. Following a dialog with the Council clarifying again why Lewis Park was not considered, Mr. Klus said the Park Board discussed Todd, Lewis and Braemar Parks. He said Braemar could use smaller rink but would need a shelter building. The Park Board said no. Lewis Park, with two rinks could be very chewed up and only resurfaced once a day. A building would need to be constructed to store the Zamboni ice resurfacer. Todd Park was the best location.

Council, after a dialog with Mr. Klus, asked what the timeline would be to consider Lewis Park for the hockey rink. Mr. Klus said to consider Lewis Park, a public hearing would need to be held and there was no time to do that this year, even with constructing a portable/temporary rink. Mr. Keprios said cities with portable rinks have space constraints. Portable rinks were not as safe, require more staff time to remove/replace and maintain, become shabby, crooked, cracked, dirty, and require storage space in the summer. Mr. Cockriel concurred.

Resident comments:

Patrick Cronin, 11 Cooper Avenue, representing the Hilldale neighborhood, said Todd Park, 1) was not environmental issue, 2) has a wonderful warming house, 3) was located where the kids live, and 4) accommodates adult hockey. He presented five testimonial letters from former Edina hockey players in support of constructing a permanent hockey rink at Todd Park.

Residents who spoke in favor of constructing a hockey rink at Todd Park were as follows: David Crosby, 4405 West 44th Street; Jeff Bisson, 9 Cooper Avenue; Michelle Sit, 23 Circle West; Rachel Sit, 23 Circle West; Richard Miller, 5340 Hollywood Road; Chips Gulbranson, 5 Cooper; Molly Cronin, 11 Cooper Avenue; and an unidentified resident.

Comments received from residents in favor of Todd Park as the site for a hockey rink were as follows: families need a place to get together; love Todd Park and support construction of rink; significant expenditure into comfort station; kids will use the local rink; if you build it they will come; Todd Park was perfect; kids will love the rink and can walk there and it will be utilized year round; residents who bought homes around park knew what they were buying; City owns the park; Park and Recreation did excellent job of evaluating sites; Edina was a well-run City; this was August and there was a time crunch for construction before winter; hockey registration of 1200 + kids begins in a week; trying a temporary solution would be cost prohibitive; numbers were growing annually; the Edina Park system should not be compared to the Eden Prairie park system; could ten rinks be adequate; and a recreational skating rink would be desirable.

Tim Meehan, 5229 Hollywood Road, gave an extensive presentation indicating: Edina was an expensive place to live; want the best use of park space; cannot grow more parks and trees; Todd Park has 33 acres, 5.9 "mowable" acres and 27.1 acres of woods/wetlands surrounded on all sides by homes; Todd Park was developed to capacity; and maintaining Edina's vision of preserving green spaces was imperative. Mr. Meehan presented a petition with numerous signatures.

Katy Meehan, 5229 Hollywood Road, showed aerial photos of alternatives to Todd Park for the proposed hockey rink; Lewis Park – would be the best alternative to Todd Park; Walnut Ridge – room for rinks, has a parking lot and comfort station; Pamela Park – warming house and three parking lots; Highlands – one rink would work with green space; Garden Park – rink would fit, parking lot, no homes affected; Todd Park – homes face rink, no green space, all developed, deciduous trees. She stated she was not against the Park Board or the Hockey Association but believes there were better sites for the rink.

Paul Cartier, 6905 Antrim Road, inquired whether a shorter rink had been considered.

Gary Rooney, 5224 Hollywood Road, said after a driving tour of Edina Parks, Todd Park was a mess. Mr. Cockriel said Todd Park was not scheduled much and without use, weeds can take over.

Residents who spoke against Todd Park as the site for construction of a hockey rink were as follows: James Berry, 4504 Rutledge Avenue; Jill Hartman, 4428 Vandervork; John Rentschler, 10 Circle West; Connie Brimacombe, 4413 Rutledge; Nancy Haley, 4521 Parkside Lane; Doug Hall, 4501 Parkside Lane; and Neal Campion, 4436 Vandervork.

Comments against Todd Park were as follows: concern with safety as Todd Park has no off-street parking; asked what was wrong with green space; necessary to have a place for unstructured, spontaneous play for young and old residents; Todd Park was not well used and was the wrong place for a hockey rink; historically the old rink at Todd Park received minimal use; suggested constructing a portable rink; population was aging and use of Todd Park for the community for a garden club, walking/running club, arts/crafts, etc. rather than hockey rink; look at other options; economics compared to use does not add up; no sidewalks; open area at Todd Park was used – keep open park; Park Board seems heavy-handed with their decision; Todd Park has lost trees; proponent of Lewis Park with artificial ice and a Zamboni; could Todd Park be a peat bog – it smells; and a win-win would be construction at Lewis Park or Braemar Park and maintain the shinny rinks.

Mr. Klus again stated that eleven sheets of ice were necessary and all that the City staff can maintain. The Park Board special meeting was called to make sure Todd Park was the right decision for the eleventh sheet of ice. He said there were safety issues and houses around all the parks and construction of the rink at Todd Park was the recommendation of the Park Board.

Allen Carlson, 4424 Vandervork Avenue, said Minneapolis has temporary rinks that work and were safe. He added there was more parking in the summer than in the winter because of snow mounds.

Council comments:

Member Swenson said growing up she used Division/Todd Park and served on the Blue Ribbon Committee for parks in Edina. She said she does not understand hockey but has a trusted friend on the Park Board, Linda Presthus that she conversed with. Member Swenson said she walked Todd Park and noted it was a great open space. She suggested constructing a permanent hockey rink at Todd Park for a two year period and further suggested staff study Garden and Lewis Park as possible future sites.

Member Housh indicated he ran in the area and sympathized with both sides. He said you look at green space only from the aerial photo, maybe the natural environment was being ignored and he suggested considering the natural environment as green space as well. He said we all love Edina

Minutes/Edina City Council/August 16, 2005

and said he favors use of temporary boards at Todd Park during the winter. Member Housh said he would support the Park Board's recommendation for an eleventh sheet of ice at Todd Park. He concurred with Member Swenson's suggestion of a two year period and a study of other sites.

Member Masica commented this was a time to take a long term view of what we want in Edina. She said putting a rink at Todd Park was not the best thing for the neighborhood or hockey players. She suggested if the whole community was going to be served with limited tax resources, judgment must not be rushed. Member Masica said she has not heard any compelling reasons why Lewis Park should not be used and she would support Lewis Park. Lewis Park was accessible, has good parking and has one sheet of ice in place as well as future possibilities for additional development.

Mayor Hovland stated he did not like problems with no solution. He said there must be a manufacturer that would make seasonal, temporary hockey boards. Mayor Hovland called Todd Park a gem and an under utilized asset in the winter. He said he was torn that there was no win-win solution. He stated he does not like permanent boards. Mayor Hovland said while he concurs with Member Swenson's idea of constructing the rink for a two year period, he does not like spending \$40,000.

Member Housh suggested installing temporary boards for a period of two years as a test project.

Mayor Hovland indicated this was not only a Hockey Association problem it was a neighborhood problem as well. In his estimation, going to Lewis or Braemar does not solve the desire of the neighborhood to have a rink. Usage of the park by the neighborhood as well as the Hockey Association could be studied during the two year period. He wondered if in the future other parks would want temporary boards if Todd Park were to get them.

Member Swenson said she coached soccer for six years and used the hockey rinks to contain the soccer balls. She noted she knows of many summer uses for the rinks.

Member Housh reminded the Council that hockey was growing and that constituted a demand for more ice.

Member Masica said she did not want to take away a sheet of ice but she wanted long term possibilities. She said Todd Park was a gem but for the minimal use it will get for a few months versus green space.

Member Swenson indicated her idea was to install a rink for two years. During the two years a study will be conducted by staff of Garden and Lewis Park. She stated her belief that this was the right thing to do.

Member Masica commented that putting \$40,000 into a two year experiment was not a good use of taxpayer's dollars.

Member Housh said the \$40,000 was only being moved from one location to another. The only adjustment would be the two year time the boards were up at Todd Park, if approved. Mr. Cockriel said there would not be a total waste of \$40,000 and most things could be used at another location. What would be wasted was manpower. He added lighting glare on portable rinks was not totally kind to the neighborhood. Higher light standards on a permanent rink create fewer glares for neighbors.

Member Masica asked why Lewis Park was not a good location. Linda Presthus, Park Board Member, 7104 Lanham Lane, said Lewis Park has a hockey rink. One consideration was the neighborhood concept for a neighborhood rink. Lewis Park was considered as an expansion site with artificial ice and a Zamboni. She clarified that more ice was requested by the Hockey Association. Initially it sounded good until it was realized that a Zamboni had never been tested on outside ice, there was no place to house the Zamboni and that this would not be a one year solution. They then thought of Braemar Park with a short sheet of ice and testing the Zamboni on outside ice. Braemar Park was just an idea. Ms. Presthus said since there were no advantages of being at Lewis Park for this year, the Park Board recommended Todd Park. The neighborhood had the concept, there were fewer rinks in the area, and Todd Park has a warming house. Ms. Presthus said Lewis Park was highly used by a lot of people in the afternoon. The hockey rink was flooded in the AM and was used heavily in the afternoon. When the kids arrive to play in the evening, the rink was chewed up and another reason why Lewis Park was not recommended by the Park Board.

Mr. Klus stated the Park Board looked at staff options/recommendations for the 2005-2006 hockey season for an eleventh sheet of ice. He added that there would as much discussion by the neighborhoods to add a second rink in any location.

Mr. Meehan voiced confusion with the proceedings. He said two petitions were delivered, one to the Park Board with 101 signatures stating the community did not want the Todd Park rink, and one to the Council with 306 signatures stating they also did not want the rink. He questioned why community input was sought.

Member Swenson asked the Mayor to call the question.

Member Swenson made a motion to close the public hearing, seconded by Member Housh.

Mark Brimacombe, 4413 Rutledge Avenue, interrupted the motion to state that the neighborhood does not want the Todd Park hockey rink. Member Housh said the best interest of the broader community must be served. Mr. Brimacombe asked why the rink could not be rebuilt at Countryside.

Member Masica asked the Mayor to call the question due to the lateness of the hour.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica said the decision of the Council will be in the best interest of the most number of people. Todd Park may be a short-sighted fix but she believes Lewis Park would be the best site.

Member Swenson made a motion approving construction of a permanent outdoor hockey rink at Todd Park for a period of two years and to direct staff to study Garden Park, Lewis Park and other alternate sites for presentation to the Council by July 1, 2007. Member Housh seconded the motion.

Member Masica inquired what could be determined at Todd Park in a two year time span. Mr. Keprios said staff at the warming houses takes attendance of scheduled, general skating and hockey use. Member Housh asked if a coordinated effort could be undertaken to ascertain whether Todd Park was the best location. Member Swenson said there were two parts to this, 1) how much

this rink will be used and 2) how satisfactory it was and that was the challenge of the Park and Recreation Department. She said she has received numerous calls that live near the rink that were in favor of Todd Park. Mayor Hovland said he was not persuaded the Hockey Association requires eleven hockey rinks but would support the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

SPECIAL ASSESSMENT POLICY APPROVED Assistant Manager Anderson indicated that Staff and the Council have had four work sessions since the beginning of 2005 to review the residential road reconstruction program and how the City assesses the costs. Staff was recommending an increase in road reconstruction projects over a period of the next few years. Projects reviewed for feasibility in 2005 have resulted in substantially higher costs than prior assessment years. There has been greater resistance from neighborhoods to have curb and gutter installed where it does not exist today. The increased costs and resistance to pay has resulted in the engaging of a consultant to review the proposed project areas and determine if costs of the projects generate the equivalent market value benefit to homeowners. If costs were higher than benefits, the City would be at risk for legal challenges to the assessments. Results of the study indicated the proposed assessable costs do match with the market value benefit to the homes.

Mr. Anderson stated staff conducted an extensive survey of other community's road reconstruction programs and how the cities assess/pay for those costs. Results of the survey showed a combination of tax supported expenditures with varying assessment practices in those communities.

The new special assessment policy as proposed takes the information gathered and proposes a number of changes to the current assessment policies that the City uses today. Mr. Anderson gave a presentation depicting reasons for a need to change the current policy, and a brief overview of the appraisal report and City assessment survey, and the proposed changes to current assessment policy.

Mr. Anderson elaborated that elements of the proposal include:

- The assessable unit for non-State Aid residential street projects would be the residential equivalent unit (REU) of a lot, rather than the front footage of the property.
- If a corner lot was subject to multiple street reconstruction assessments over a period of years, the total assessable cost should be the equivalent of one REU.
- Assessments must be equitable to all homes that were being assessed.
- The term of residential roadway assessments will continue to be ten (10) years.
- The interest rate of the assessment should be pegged to assessment bonds that have been issued in the past 12 months or the 10 year Aaa bond rate plus 2 percent.
- The City will accept both partial pre-payments and full pre-payments on assessments before certifying the assessment to the tax rolls. For ease of administration, a minimum of 25 percent of the assessable cost must be applied for a partial payment.
- All assessments will offer a level principal payment schedule instead of an amortized payment schedule. The level principal schedule has a lower total cost than the amortized schedule.

He noted that elements of the Senior Deferral Program will change for equity and fairness. Additionally, the new policy will not be retroactive to projects that have already been assessed.

Under the new policy, curb and gutter on non-State Aid residential streets will be financed by the City's Storm Water Utility Fund instead of adjacent property owners. Staff feels strongly that curb and gutter should be installed in areas of the community where it does not exist today and maintained and replaced as necessary in other parts of town. For the 2004-2005 assessment projects, the proposal will require an increase in storm water rates of approximately \$2.00 per household per quarter. Street reconstruction costs, less curb and gutter costs would continue to be assessed to adjacent property owners at 100 percent of the cost.

Resident comments:

Jill Larson, 5325 Oaklawn Avenue in the South Harriet Park area, said when their street was reconstructed, they were opposed to curb and gutter. She voiced concern that the policy was unfair that they will be paying for installation of curb and gutter in other City locations through increased utility fees. Residents with impending street reconstruction projects will even pay less for their new streets. Ms. Larson questioned why just a portion of the street reconstruction project was singled out and paid for through utility fees. She suggested the Council adopt a shared cost policy, and a fair way would be for the whole project, not just curbs and gutters. Her neighbors might have approved installation of curb and gutters if the cost would have been spread through all of Edina. Ms. Larson said utility fees were user fees and streets were not utilities. She questioned, 1) how a higher user fee can be charged when she would not benefit, 2) if the street utility fee as proposed in the current legislature and promoted by many cities as a way to pay for street reconstruction and specifically to pay for curbs and gutters did not pass, and 3) how can Edina adopt this policy. Ms. Larson asked why a public hearing was not held.

Council comments on the proposed policy in response to Ms. Larson's questions were as follows: 1) curb and gutters were a conveyance system for stormwater and rates were set up to handle the surface water and were a part of the roadway costs, 2) the policy will take the financial piece away from the assessment and help the City fulfill the general engineering suggestion that curb and gutters should be included in street reconstruction, 3) costs were spread throughout the taxpayer base with the City paying for power costs for street lights, 4) parks were for everyone and some people use them and some do not, and 5) road repairs due to sewer backups were spread throughout the taxpayer base on Tower and St. John a few years ago.

Geoff Workinger, 5224 Kellogg Avenue, inquired whether future road reconstruction projects will have the option of having curbs and gutters or not. Mr. Hughes said the policy will remain unchanged, each project will stand alone. Mr. Workinger said he would be surprised if any neighborhoods would opt out of having curb and gutters for a fee of \$2.00 a quarter on their utility bill. Mayor Hovland said the policy was proposed so that there would not be the broad impact if property taxes would go up. Mr. Workinger asked what the difference would be between the utility fee and a property tax fee. Mr. Anderson said it was not only the cost differential, it was the way the tax handles property versus a utility fee. Mr. Hughes said the utility fee was a more stable fee source on an ongoing basis that the City has more control of than property taxes that the City has less control of.

Rick Ferguson, 5351 Kellogg Avenue, indicated when his road was being reconstructed he wanted curb and gutter, his neighbors did not but cost was the main tie breaker. The main issue was fairness to his neighborhood. Member Housh asked if a bid alternate could be considered for the project. Mr. Houle stated the feasibility study surveys showed 81% of residents responded, 57 % no, 43% yes.

Minutes/Edina City Council/August 16, 2005

Ned Blankenship, 5240 Oaklawn, inquired how long the bituminous lip that has been installed in their South Harriet Park neighborhood will last. Mr. Houle said the lip might last one or two seasons at the most.

Quinn Scott, 5307 Kellogg Avenue, said he opposed installation of curb and gutter in the neighborhood, but what will happen with home values in two years when their street has deteriorated. Mr. Houle said this initially was a contentious issue and aesthetics was the issue that defeated the proposal for curb and gutter. Mr. Hughes said if the neighborhood wants curb and gutter at this juncture, the project would be stopped, a petition circulated requiring nearly a 100% majority of residents wanting curb and gutter, a public hearing scheduled and public meeting held, and with winter coming soon, residents could be driving on a gravel road until spring.

Member Housh noted he had received a number of calls in favor of the policy as presented.

Member Housh made a motion approving the Special Assessment Police as presented. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2005-69 APPROVED, NOMINATING ROBERT J. KOJETIN for RE-APPOINTMENT TO THE NINE MILE CREEK WATERSHED BOARD** Motion made by Member Masica and seconded by Member Housh approving the nomination of Robert J. Kojetin for re-appointment to the Nine Mile Creek Watershed Board.

Motion carried on rollcall vote – four ayes.

***RENEWAL OF FACILITY REFUSE AND RECYCLING CONTRACT APPROVED** Motion made by Member Masica and seconded by Member Housh approving the extension of Waste Management's contract for refuse and recycling collection at City facilities through 2006.

Motion carried on rollcall vote – four ayes.

TRAFFIC SAFETY STAFF REVIEW OF AUGUST 2, 2005; APPROVED Member Swenson asked that the Traffic Safety Staff Review be removed from the Consent Agenda for further information. Member Swenson said due to the late hour and no one appearing to speak, **motion made by Member Swenson and seconded by Member Housh approving the Traffic Safety Staff Review of August 2, 2005, Section A:**

1. Installation of "No Parking" signs on the north side of West 72nd Street from France Avenue to the west end of the parking lot drive-way of the commercial building; and

Section B and C.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member 1 made a motion and Member 2 seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 2, 1005, and consisting of 26 pages: General Fund \$90,125.96; Communications Fund \$3,573.26; Working Capital Fund \$2,677.35; Construction Fund \$400.00; Art Center Fund \$4,472.21; Golf Dome Fund \$1,618.90; Aquatic Center Fund \$5,661.17; Golf Course Fund \$28,226.17; Ice Arena Fund \$1,500.00; Edinborough/Centennial Lakes Fund \$21,780.42; Liquor Fund \$98,143.88; Utility Fund \$34,473.79; Storm Sewer Fund \$9,823.53; PSTF Fund \$1,550.69; **TOTAL \$304,027.33;** and for approval of payment of claims dated August 10, 2005, and

consisting of 34 pages: General Fund \$433,174.58; Communications Fund \$2,413.65; Working Capital Fund \$11,291.54; Art Center Fund \$4,229.46; Aquatic Center Fund \$3,727.60; Golf Course Fund \$12,393.19; Ice Arena Fund \$26,304.22; Edinborough/Centennial Lakes Fund \$8,295.30; Liquor Fund \$243,896.09; Utility Fund \$11,216.36; Storm Sewer Fund \$1,994.08; Recycling Fund \$3,432.98; PSTF Fund \$764.56; TOTAL \$763,133.61.

Motion carried on rollcall vote – four ayes.

*PETITION RECEIVED REQUESTING CURB AND GUTTER ON SCHAEFER CIRCLE BETWEEN SCHAEFER ROAD AND END OF CUL-DE-SAC Member Masica made a motion, seconded by Member Housh accepting a petition from residents of Schaefer Circle between Schaefer Road and end of cul-de-sac for curb and gutter in conjunction with the Award of Bid for Schaefer Circle Roadway and Utility Improvements – Contract No. ENG. 05-12.

Motion carried on rollcall vote – four ayes.

CONCERN OF RESIDENTS

Clara Gooding, 5824 Halifax Avenue South, voiced concern that she understood when Halifax Avenue road improvement was planned; the road would remain the same. She said today the street was much narrower and cars drive over their property. Ms. Gooding said she also has no parking space on the street now.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 1:37 A.M.

City Clerk